

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION & VARIANCE - *
 SE/Corner Philadelphia Road and * ZONING COMMISSIONER
 Allender Road
 (11625, 11629 & 11631 Philadelphia Road) * OF BALTIMORE COUNTY
 11th Election District
 5th Council District * Case No. 02-203-SPHXA

Thomas A. Pappagallo, et ux, and *
 Marlene Glava, Owners; and *
 7-Eleven, Inc., Contract Purchasers *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Thomas A. Pappagallo, Kathleen P. Pappagallo, and Marlene Glava, and the Contract Purchasers, 7-Eleven, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to allow the required landscape transition areas and setbacks to be located within the D.R.3.5 zone, and to abandon the previously approved special exception relief in prior Case No. 97-187-X. In addition, the Petitioners request a special exception, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., and variance relief from the B.C.Z.R. as follows: From Section 405.4.5.3 to permit service station canopy signs of 311.25 sq.ft. (1 sign), and 138.33 sq.ft. (2 signs) in lieu of the maximum permitted 25 sq.ft.; from Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 15 feet, if necessary; and, from Section 405.4.A.3.c.2 to permit 6 stacking spaces in lieu of the required 12 spaces, if necessary. The subject property and requested relief are more particularly described on the two-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requests were Thomas Pappagallo, co-owner of the subject property, Eric Roemer, a representative of 7-Eleven, Inc.,

COPIES RECEIVED FOR FILING
 Date 2/11/12
 By [Signature]

Contract Purchasers, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petitioners were Tim Whittie of Bohler Engineering, the consultants who prepared the site plan for this property, and Ken Schmid of Traffic Concepts, Inc. Appearing as Protestants were Gary A. Lentz and Gordon Dring, John Severino and Dale W. Raubenstine, who own property nearby, and Doug Behr, who resides in Kingsville and appeared on behalf of the Greater Kingsville Community Association.

As shown on the site plan, the subject property is an irregularly shaped parcel located on the southeast corner of Philadelphia Road and Allender Road in White Marsh. The property contains a gross area of 1.75 acres, more or less, split zoned B.L.-A.S. and D.R.3.5. The predominant zoning is B.L.-A.S., which is a business zoning classification; however, a portion of the site along the southern and western property lines is zoned D.R.3.5. Apparently, the business zoned portion of the property was entirely zoned B.L.; however, the property was recently rezoned to add the A.S. (automotive service) district designation on the 2000 zoning maps.

As to the history of the subject site, special exception relief for an existing service garage use was granted in prior Case No. 97-187-X on December 6, 1996. Testimony in that case revealed that the Petitioners had been operating a service garage on the property for some time; however, the property was then zoned B.L. and a special exception was required in order to continue the service garage use thereon. Further testimony revealed that the service garage use was only temporary in that the Petitioners intended to develop the site with a strip shopping center. In any event, approval of the service garage use was granted and the property has been used in that fashion since that time. The owners have apparently abandoned their plans for redevelopment of the subject site and have contracted to sell the property to 7-Eleven, Inc., who wishes to convert the current use to a fuel service station use in combination with a convenience store operation. Thus, the requested special hearing, special exception and variances are necessary.

On behalf of 7-Eleven, Inc., Eric Roemer testified and described their proposal. The existing improvements will be razed and a 2900 sq.ft. 7-Eleven prototype building constructed. The store will be open 24-hours a day, 7 days a week, and provide the sale of convenience items as

well as gasoline. As shown on the plan, three different pump islands with multi-product dispensers are proposed. Mr. Roemer fully described the details of the proposed operation, including lighting, characteristics of the business, etc.

Mr. Whittie appeared and testified on behalf of Bohler Engineering. He described the layout of the proposed project, including lighting and landscaping plans. In this regard, lighting will be recessed to prevent spillage onto adjacent properties. Additionally, there will be landscaping of the site, particularly to the south and west of the property, down Allender Road. Although Philadelphia Road in this area is a commercial corridor, the site is within close proximity of residential properties and a landscape buffer will be provided to screen those properties.

Testimony was also received from Ken Schmid, a traffic engineer. He indicated that the level of service at this intersection was at an "A" grade in the morning during peak traffic hours, and at a "B" grade in the evening peak hours. Even with development in the area, acceptable levels of service will be retained. He also noted that certain road improvements will be made as part of the redevelopment of this site. Specifically, a right-turn lane will be added on Philadelphia Road to accommodate traffic turning into this site, and also traffic turning right from northbound Philadelphia Road onto Allender Road. Additionally, the intersection of Allender and Philadelphia Roads will be improved and "straightened." It appears that these upgrades will actually improve traffic conditions in the area, notwithstanding the development of the subject site.

Certain testimony was received from the opponents of the plan. Some of the testimony is not germane, specifically that regarding the economic impacts of the proposed use. The zoning regulations do not permit the Zoning Commissioner to consider the impact of the proposed use from an economic standpoint on potential competitors. However, valid concerns were expressed regarding traffic, lighting, landscaping, etc. It is also to be noted that the Petitioners have reached an agreement with the Perry Hall Improvement Association. In this regard, certain covenants have apparently been entered into with that Association regarding the use of the property, landscaping, signage, etc. With those covenants and restrictions, the Perry Hall Improvement Association supports the proposal. A representative of the Kingsville Community Association appeared in

opposition to the request; however, the subject property is within the confines of the Perry Hall Improvement Association, slightly outside the boundaries of the Kingsville Community Association.

Turning first to the Petition for Special Exception, I am persuaded that same should be granted. The test for whether special exception relief should be granted is set forth in Section 502.1 of the B.C.Z.R. Essentially, the applicant must show that the use can be carried out at the location proposed without detrimental impact to the health, safety and general welfare of the locale. However, as construed by the appellate courts of this State in Schultz v. Pritts, 291 Md. 1 (1981), and Mossberg v. Montgomery County, 107 Md. App. 1 (1995), it is not merely the existence of potential impacts of the use that warrant the denial of a requested special exception. That is, the Court noted that impacts from a proposed special exception use are inherent by virtue of the fact that the legislative body has designated the use as permitted only by special exception, as opposed to being permitted by right. Thus, the test is whether the anticipated impacts are more egregious at the proposed location than elsewhere in the zone. In this regard, it is to be noted that the property fronts Philadelphia Road, a major commercial corridor in this area. The recent rezoning of this property by the County Council to B.L.-A.S. is indicative of the Council's intent that a business automotive service use is appropriate here. Moreover, the fact that special exception relief for a service garage was previously granted in 1996 is significant. Although the service garage use is being discontinued, the proposed fuel service station is a similar use and special exception relief is still required, pursuant to Section 230.13 of the B.C.Z.R. Based on the totality of the testimony and evidence offered, I am persuaded that the Petition for Special Exception should be granted. In sum, I find that the Petitioners have met the standards set out in Section 502.1 of the B.C.Z.R.

Special hearing relief is also warranted. As noted above, the special exception for the service garage granted in prior Case No. 97-187-X has been abandoned by the property owner and thus, is no longer valid. As to the other special hearing relief sought, testimony from Mr. Roemer regarding the appropriateness of the landscape transition areas and setbacks was persuasive. In this regard, I am persuaded that the entrance to the site from Allender Road should be moved to

that location marked Alternate 30-foot Entrance. That location is further from Allender Road and thus promotes a better traffic flow situation, both internally and on the adjacent public streets. Although locating the entrance on that part of the site traverses the D.R.3.5 zoned land, it is nonetheless justified for matters of public safety and convenience. There is still a sufficient area to buffer the use, including the access road, from residential properties to the south.

Lastly, variance relief is requested for signage, landscape transition areas, and, the number of stacking spaces provided, if necessary. An examination of Section 405.4.A.3.c.1 of the B.C.Z.R. is persuasive to the Petitioners' argument that a variance from the stacking requirements is not needed. That is, the 6 stacking spaces shown on the plan are sufficient for this site (i.e., one space required for each MDP). Thus, I shall dismiss this variance as moot. The second variance request relates to canopy signage. The interpretation of the Zoning Review Division in the Department of Permits and Development Management in requesting this relief is also disputed. As shown on the schematic plans, the canopy signs will contain limited writing, but will be painted the green and red logo colors used by 7-Eleven, Inc. That the painting of the canopy in this fashion constitutes signage is questionable. In any event, upon consideration of the total sign package, I am persuaded that same is appropriate here and thus, variance relief should be granted. In this regard, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. Lastly, relief will be granted as to the landscape transition areas. The unusual configuration of the property and zoning lines is persuasive to a finding that the property is unique. Moreover, I am persuaded that the Petitioners would suffer a practical difficulty if relief were denied and that relief can be granted without detrimental impact to adjacent properties.

It is to be noted that certain Zoning Advisory Committee (ZAC) comments were received from the Office of Planning and the Maryland State Highway Administration (SHA), which shall be incorporated herein and made a part hereof. The Office of Planning requires the submission of plans showing the architectural design of the building, landscaping and lighting. The review and approval of those plans by that agency is appropriate. Moreover, the Petitioners will be required to make road improvements, i.e., right lane added on Philadelphia Road and

intersection improvements to Allender Road and Philadelphia Road as required by the Department of Public Works, consistent with the SHA comments.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of February, 2002 that the Petition for Special Hearing to permit the required landscape transition areas and setbacks to be located within the D.R.3.5 zone, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit the abandonment of the special exception relief granted in prior Case No. 97-187-X, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 405.4.5.3 to permit service station canopy signs of 311.25 sq.ft. (1 sign), and 138.33 sq.ft. (2 signs) in lieu of the maximum permitted 25 sq.ft., and, from Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 15 feet, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the Zoning Advisory Committee (ZAC) comments received from the Office of Planning, dated January 7, 2002, and the Maryland State Highway Administration, dated December 31, 2001, copies of which have been incorporated herein and made a part hereof.
- 3) The Petitioners will be required to make road improvements, i.e., right lane added on Philadelphia Road, and improvements to the intersection of Allender Road and Philadelphia Road as required by the Department of Public Works, consistent with the SHA comments.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.3.c.2 to permit 6 stacking spaces in lieu of the required 12 spaces, is not necessary, and as such, is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 11, 2002

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Philadelphia Road & Allender Road
(11625, 11629 & 11631 Philadelphia Road)
11th Election District – 5th Council District
Thomas A. Pappagallo, et al, Owners; 7-Eleven, Inc., Contract Purchasers - Petitioners
Case No. 02-203-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Thomas Pappagallo
2031 Sue Creek Drive, Essex, Md. 21221
Ms. Marlene Glava, 5030 Silver Spring Road, Perry Hall, Md. 21128
Mr. Tim Whittie, Bohler Eng., 810 Gleneagle Court, #300, Towson, Md. 21286
Mr. Kenneth Schmid, Traffic Concepts, Inc., 325 Gambrills Rd, #E, Gambrills, Md. 21054
Mr. Gary A. Lentz, 5652 Gunpowder Road, White Marsh, Md. 21162
Mr. Gordon Dring, 5655 Gunpowder Road, White Marsh, Md. 21162
Mr. Doug Behr, 7451 Bradshaw Road, Kingsville, Md. 21087
Messrs. John Severino & Dale Raubenstine, 11450 Pulaski Hwy., White Marsh, Md. 21162
Mr. Kenneth A. McDonald, Jr., Chief, Engineering Access Permits Div., SHA
P.O. Box 717, Baltimore, Md. 21203-0717
Office of Planning; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Southeast Corner of Philadelphia
for the property located at Road and Allender Road
which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve Special hearing to allow the required landscape transition areas and setbacks necessary to support the proposed fuel service station to be located within the DR 3.5 zone and to abandon the special exception for the service garage granted in Case No. 97-187-X.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

7-ELEVEN, INC.

Name - Type or Print

Edward E. Zimmerman
Signature Edward E. Zimmerman, Senior Real Estate

8605 Old Harford Road (410)663-6600 Representative

Address Telephone No.
Baltimore Md. 21234

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Robert A. Hoffman
Signature
Venable, Baetjer and Howard, LLP

Company
210 Allegheny Avenue (410) 494-6200

Address Telephone No.
Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name
210 Allegheny Avenue (410) 494-6200

Address Telephone No.
Towson, MD. 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 11/15/01

Case No. 02 203 SPHXA

REV 9/15/98

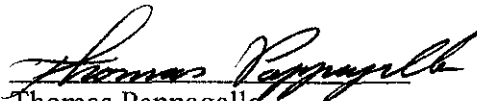
ORDER RECEIVED FOR FILING

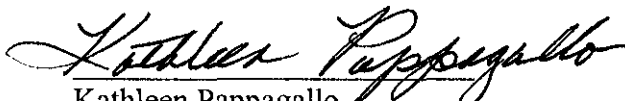
Date

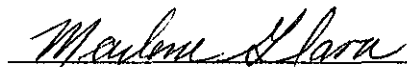
By

ATTACHED SIGNATURE PAGE

Legal Owners:


Thomas Pappagallo


Kathleen Pappagallo
2031 Sue Creek Drive
Essex, Maryland
(410) 391-6150


Marlene Glava
5030 Silver Spring Road
Perry Hall, Maryland 21128
(410) 931-1295

2/11/02
[Handwritten signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

Southeast Corner of Philadelphia
for the property located at Road and Allender Road

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special Exception pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

7-ELEVEN, INC.
Name - Type or Print
By: Edward E. Zimmerman
Signature Edward E. Zimmerman, Senior Real Estate Representative
8605 Old Harford Road (410) 663-6600
Address Telephone No.
Baltimore, MD 21234
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print
RA Hoffman
Signature
Venable, Baetjer and Howard, LLP
Company
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print
Signature
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
UNAVAILABLE FOR HEARING

Reviewed By VL Date 11/15/01

Case No. 02-203-SPHXA

REV 09/15/98

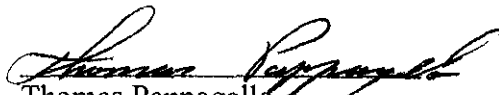
ORDER RECEIVED FOR FILING


Date

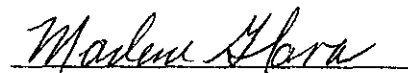
By

ATTACHED SIGNATURE PAGE

Legal Owners:


Thomas Pappagallo


Kathleen Pappagallo
2031 Sue Creek Drive
Essex, Maryland
(410) 391-6150


Marlene Glava
5030 Silver Spring Road
Perry Hall, Maryland 21128
(410) 931-1295

2/14/02
[Handwritten signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Southeast Corner of Philadelphia Road and Allender Road

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See attached.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To be determined at the hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

7-ELEVEN, INC.

Name - Type or Print

Signature Edward E. Zimmerman
Signature Edward E. Zimmerman, Senior Real Estate

8605 Old Harford Road (410) 663-6600 Representative

Address Telephone No.

Baltimore Md. 21234

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature [Signature]
Venable, Baetjer and Howard, LLP

Company
210 Allegheny Avenue (410) 494-6200

Address Telephone No.

Towson, Md. 21204

City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name
210 Allegheny Avenue (410) 494-6200

Address Telephone No.

Towson, MD. 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING
Reviewed By JL Date 11/15/01

Case No. 02 203 SPHXA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Variances Requested

Variance from Section 450.4.5.e of the Baltimore County Zoning Regulations to permit service station canopy signs of 311.25 sq. ft. (1 sign) and 138.33 sq. ft. (2 signs) in lieu of the permitted 25 sq. ft.

Variance from Section 405.4.A.2.b of the Baltimore County Zoning Regulations to permit a 0 foot landscape transition area in lieu of the required 15 foot landscape transition area, if necessary.

Variance from Section 405.4.A.3.c.2 of the Baltimore County Zoning Regulations to allow 6 stacking spaces in lieu of required 12 stacking spaces, if necessary.

ORDER RECEIVED FOR FILING

Date

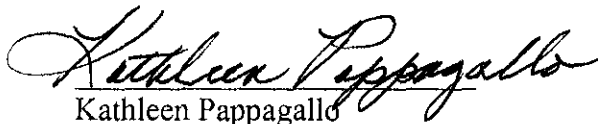
By

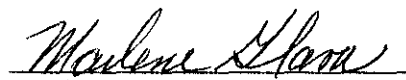
TOIDOC51/alld99/#126124 v1

ATTACHED SIGNATURE PAGE

Legal Owners:


Thomas Pappagallo


Kathleen Pappagallo
2031 Sue Creek Drive
Essex, Maryland
(410) 391-6150


Marlene Glava
5030 Silver Spring Road
Perry Hall, Maryland 21128
(410) 931-1295

2/11/02
[Handwritten initials]

203

1. SOUTH 17 DEGREES 14 MINUTES 15 SECONDS EAST 346.45 FEET TO A POINT ON THE NORTHWESTERNMOST OUTLINE OF THE LANDS OF SHERYL B. KOCAN, ET AL, IN DEED LIBER 12181 AT FOLIO 86; THENCE, LEAVING THE LINE 20 FEET SOUTHWEST OF THE CENTERLINE OF ALLENDER ROAD, AND BINDING ON THE KOCAN LANDS BY THE FOLLOWING THREE (3) COURSES AND DISTANCES,
2. SOUTH 74 DEGREES 02 MINUTES 08 SECONDS WEST 86.06 FEET TO A POINT;
3. SOUTH 74 DEGREES 01 MINUTES 33 SECONDS WEST 71.99 FEET TO A POINT; AND THENCE,
4. SOUTH 34 DEGREES 18 MINUTES 54 SECONDS WEST 9.63 FEET TO THE NORTHEASTERNMOST CORNER OF THE LANDS OF ARTHUR W. MILLER, ET UX, IN DEED LIBER 4819 AT FOLIO 434; THENCE, LEAVING THE KOCAN LANDS, AND BINDING ON THE MILLER LANDS,
5. NORTH 55 DEGREES 41 MINUTES 00 SECONDS WEST 170.00 FEET TO A POINT ON THE EASTERNMOST SIDE OF THE AFOREMENTIONED PHILADELPHIA ROAD; THENCE, LEAVING THE MILLER LANDS, AND BINDING ON PHILADELPHIA ROAD,
6. NORTH 34 DEGREES 18 MINUTES 54 SECONDS EAST 346.34 FEET TO THE PLACE OF BEGINNING;

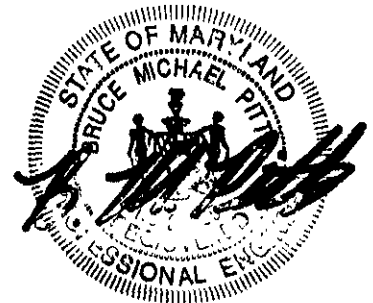
DESCRIPTION OF A SPECIAL EXCEPTION AREA
PART OF THE LANDS OF THOMAS A. PAPPAGALLO, ET AL
DEED LIBER 8492 AT FOLIO 667
LIBER 9406 AT FOLIO 661
LIBER 11169 AT FOLIO 308
BALTIMORE COUNTY, STATE OF MARYLAND

BEGINNING AT THE INTERSECTION OF THE EASTERNMOST SIDE OF OLD PHILADELPHIA ROAD, (A 60 FEET WIDE TURNPIKE RIGHT OF WAY, THE SAID OLD PHILADELPHIA ROAD ALSO KNOWN AS MARYLAND ROUTE 7, AND ALSO KNOWN AS BALTIMORE\PHILADELPHIA ROAD), AT THE INTERSECTION OF A LINE 20 FEET SOUTHWESTERLY FROM THE CENTERLINE OF ALLENDER ROAD, (THE SAID ALLENDER ROAD ALSO BEING KNOWN AS REDLINE ROAD, A VARIABLE WIDTH RIGHT OF WAY); FROM THE POINT OF BEGINNING;

1. SOUTH 17 DEGREES 14 MINUTES 15 SECONDS EAST 198.17' FEET TO A POINT;
2. SOUTH 34 DEGREES 09 MINUTES 23 SECONDS WEST 229.12 FEET TO A POINT;
3. NORTH 55 DEGREES 41 MINUTES 00 SECONDS WEST 155.77 FEET TO A POINT; AND
THENCE,
4. NORTH 34 DEGREES 18 MINUTES 54 SECONDS EAST 326.34 FEET TO THE PLACE OF
BEGINNING;

CONTAINING IN ALL 41,163 SQUARE FEET OR 0.95 ACRES OF LAND MORE OR LESS.

203



11/5/01

JLV

203

07866

001 006 6150

650.00

SPHXA

Robert Ferguson PC

PAID RECEIPT

PAYMENT ACTUAL TIME

11/15/2001 11/15/2001 14:23:29

REG. NO. 007866 CASHIER DMD DMD DRAWER 2

RECEIPT # 164628 DELN

DEPT 5 528 ZINING VERIFICATION

CR NO. 007866

Receipt Tot 650.00

650.00 OK .00 DA

Baltimore County, Maryland

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-203-SPHX

Philadelphia Road & Allender Road

SE corner of Philadelphia Road and Allender Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Kathleen & Thomas Pappagallo

Contract Purchaser: Edward E. Zimmerman, 7-Eleven, Inc.

Variance: to permit service station canopy signs of 311.25 square feet (1 sign) and 138.33 square feet (2 signs) in lieu of the permitted 25 square feet; to permit a zero foot landscape transition area in lieu of the required 15 foot landscape transition area; to allow 6 stacking spaces in lieu of the required 12 stacking spaces. **Special Hearing:** to allow the required landscape transition areas and setbacks necessary to support the proposed fuel service station to be located within the D.R.3.5 zone and to abandon the special exception for the service garage granted in case no. 87-187-X. **Special Exception:** to allow a fuel service station in combination with a convenience store, with a sales area larger than 1,500 square feet.

Hearing: Tuesday, January 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/6/99 Jan. 8

C513929

CERTIFICATE OF PUBLICATION

1/10/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/8/2002.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No 02-203-SPHXA

Petitioner/Developer 7-11

40 AMY DONTELL

Date of Hearing/Closing 1/22/02

F 821-0147

To: BETTY OR ROBIN		From: O'KEEFE	# of pages: 1
Co. ZONING		Co. 666-5366	
Dept.		Phone # 410-987-3468	
Fax # 410-987-3468			

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention, Ms. Gwendolyn Stephens GEORGE ZAHNER

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at Rt. 7 & ALLENDER RD.
(PHILA. RD.)

The sign(s) were posted on

1/5/02
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

ZONING NOTICE

CASE # 02-203-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY COURTS BUILDING
PLACE: 401 BOSLEY AVENUE

DATE AND TIME: THURSDAY, JANUARY 24, 2002 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT SERVICE STATION CANOPY
12' X 12' SQUARE POST, 12' X 12' SQUARE POST, 12' X 12' SQUARE POST
12' X 12' SQUARE POST, 12' X 12' SQUARE POST, 12' X 12' SQUARE POST

7-Eleven Rt. 7 & Allender Rd. (02-203-SPHXA)
Hearing: Tues. Jan 22, 2002 @ 9:00 am
Rm. 407
1/7/02

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-203-SPHXA

Petitioner: 7-Eleven

Address or Location: Rt. 7 and Allender Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell

Address: 210 Allegheny Ave.
Towson, MD. 21204

Telephone Number: 410-494-6244

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 8, 2002 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6244

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-203-SPHXA
Philadelphia Road & Allender Road
SE/corner of Philadelphia Road and Allender Road
11th Election District – 5th Councilmanic District
Legal Owners: Kathleen & Thomas Pappagallo
Contract Purchaser: Edward E Zimmerman, 7-Eleven, Inc

Variance to permit service station canopy signs of 311.25 square feet (1 sign) and 138.33 square feet (2 signs) in lieu of the permitted 25 square feet; to permit a zero foot landscape transition area in lieu of the required 15 foot landscape transition area; to allow 6 stacking spaces in lieu of required 12 stacking spaces. Special Hearing to allow the required landscape transition areas and setbacks necessary to support the proposed fuel service station to be located within the D.R.3.5 zone and to abandon the special exception for the service garage granted in case no. 97-187-X. Special Exception to allow a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet

HEARING: Tuesday, January 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G92
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 24, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-203-SPHXA
Philadelphia Road & Allender Road
SE/corner of Philadelphia Road and Allender Road
11th Election District -- 5th Councilmanic District
Legal Owners: Kathleen & Thomas Pappagallo
Contract Purchaser: Edward E Zimmerman, 7-Eleven, Inc

Variance to permit service station canopy signs of 311.25 square feet (1 sign) and 138.33 square feet (2 signs) in lieu of the permitted 25 square feet; to permit a zero foot landscape transition area in lieu of the required 15 foot landscape transition area; to allow 6 stacking spaces in lieu of required 12 stacking spaces. Special Hearing to allow the required landscape transition areas and setbacks necessary to support the proposed fuel service station to be located within the D.R.3.5 zone and to abandon the special exception for the service garage granted in case no. 97-187-X. Special Exception to allow a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet.

HEARING. Tuesday, January 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Ave, Towson 21204
Kathleen & Thomas Pappagallo, 2031 Sue Creek Dr, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 7, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 18, 2002

Robert A Hoffman
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 02-203-SPHXA, SW/corner Philadelphia & Allender Roads

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. G.D.Z.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Kathleen Pappagallo, 2031 Sue Creek Drive, Essex 22121
Marlene Glava, 5030 Silver Spring Road, Perry Hall 21128
Edward F Zimmerman, 7-Eleven, 8605 Old Harford Road, Baltimore 21234
People's Counsel

Come visit the County's Website at www.co.ba.md.us



George *LD*
File 1/22

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 11, 2002

FROM: Robert W. Bowling, Supervisor *RWB/RJF*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2002
Item No. 203

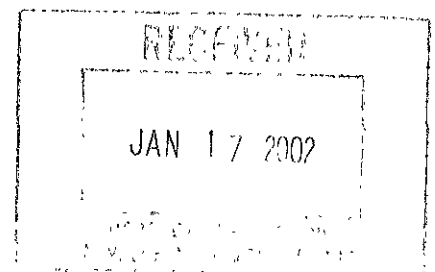
The Bureau of Development Plans Review has reviewed the subject zoning item.

Allender Road shall be re-aligned to intersect Route 7 at an approximate right angle as shown on the attached plan.

RWB:HJO:jrb

cc: File

ZAC-12-24-2001-ITEM NO 203-01112002





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 2, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 17, 2001

Item No.: ~~203~~, 204, 206, 209, 215, 216,

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

Sign
1/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 7, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Philadelphia Road and Allender Road

JAN - 7 2002

INFORMATION:

Item Number: 02-203

Petitioner: Thomas Pappagallo, Kathleen Pappagallo, and Marlene Glava

Zoning: BL-AS

Requested Action: Variance/Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a convenience store larger than 1500 square feet in combination with a service station contingent upon the following:

1. Elevation drawings of the proposed structure should be submitted to this office for review and approval. The convenience store should have a brick veneer of a mat type, similar to the type used at the commercial center at New Forge Road and Philadelphia Road.
2. All lighting should be of a type, and arranged in a manner, that prevents direct or reflected glare on any portion of adjacent residential properties. Lighting shall be fully recessed into the canopy or fully shielded with a flat lens. The final development plan should indicate the chosen lighting method.
3. A copy of the landscape plan should be submitted to the Office of Planning for review and approval prior to the issuance of any permits.

Prepared by: Mark A. Cump

Section Chief: Jeffrey W. Long
AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: December 31, 2001

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 203 (IL)
MD 7 @ Allender RD
Mile Post 9.37

Dear Mr. Zahner:

This office has reviewed the referenced Item and has no objection to approval to the Variance request.

However we will require the owner to obtain an access permit and as a minimum the following will be required:

- The site will be restricted to one entrance on MD 7 with sufficient corner clearance.
- A traffic impact analysis to determine the required roadway improvements.
- A hydraulic analysis will be required.
- Highway widening dedication.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 5, 2002

Patricia A. Malone, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

Dear Ms. Malone:

Re: Zoning Case # 02-203-SPHXA
SE corner Philadelphia & Allender Roads
11th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your client's request is to add two dormers along the front roofline. In adding the dormers, 7-Eleven would not be able to connect the canopy to the building as originally proposed on the hearing plan. 7-Eleven proposes to reduce the area of the canopy as shown on the submitted site plan. This matter has been reviewed by staff and it has been determined that this request would be approved as being within the Spirit and Intent of the above referenced zoning case.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", written over a horizontal line.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rlh

Enclosure

c: Letter File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE

Philadelphia and Allender Roads, SE Corner
Philadelphia Rd and Allender Rd
11th Election District, 5th Councilmanic

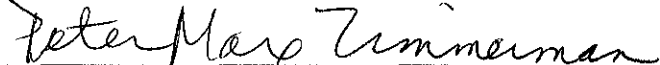
Legal Owner: Thomas & Kathleen Pappagallo and
Marlene Glava
Contract Purchaser: 7-Eleven, Inc.
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 02-203-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: May 21, 2002

To: From

Mr. Wirth - DEPRM, SWM
Ms. Farr - DEPRM, EIR
Mr. Seeley - DEPRM, PDR (2)
~~Mr. Richards - PDM, Development Control~~
Ms. Kemp - PDM, Street Names & House Numbers
Mr. Bowling - DPR, PDM (4)
Lt. Jim Mezick - Fire Dept. - 1102F
Mr. Cook - Rec & Parks
Mr. Gredlein- SHA (3)
Mr. McDaniel - PO, Development Review (3)

JOHN LEWIS PDM DEV. CONTROL

To: From

Kristin Weis, Development Management

FOR DEV. MANAGER

Subject: Project Name: Seven-Eleven @ Allender Road
PDM No.: XI-902
Project No.: 02043
District: 11C5
Engineer: Bohler Engineering PC
Phone No.: 410-821-7900

Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

(02-043-2)

Please review the attached plan for compliance with current regulations and return comments to this office by **June 11, 2002**. If you have no comments or do not need to review this plan, please indicate by placing your initials here.

Please initial here if your agency requests PDM, Land Acquisition, to acquire.

☐ HIGHWAY WIDENING
☐ GREENWAY
☐ DRAIN/UTILITY EASEMENT
☐ FOREST CONSERVATION

☐ FOREST BUFFER
☐ FLOODPLAIN
☐ PUBLIC WORKS AGRMT
☐ NONE OF THE ABOVE

CORRECT NOTE 5 TO SAY "DENSITY"

PUT THE ORDER AND RESTRICTIONS FROM CASE #02-203 SPHXA VERBATIM ON PLAN. ADDRESS THE RESTRICTIONS IN DETAIL & BY NOTE, LIST DEPRM COMMENTS. SHOW & LABEL PROPERTY LINES / ZONING-DESCRIPTION & LINES ETC. FROM ORIGINAL FILING PLAN IN CASE 02 203 SPHXA ON THIS PLAN. CERTIFY BY NOTE & SEAL THAT THIS PLAN AGREES WITH THE PLANS AND ORDERS APPROVED BY THE ZONING COMMISSIONER IN THE ABOVE REFERENCED ZONING-CASE #02-203 SPHXA.

SUBMIT REVISED PLANS FOR FURTHER REVIEW 5/30/02

*JOHN LEWIS
ZONING-REVIEW*

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6206

pamalone@venable.com

March 4, 2002

HAND-DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Petitions for Special Hearing, Special Exception and Variance
SE/C Philadelphia Road & Allender Road
(11625, 11629 & 11631 Philadelphia Road)
11th Election District, 5th Councilmanic District
Case No. 02-203-SPHXA

Dear Commissioner Schmidt:

I have received and reviewed your Findings of Fact and Conclusions of Law in the above-referenced matter. While it is clear from the body of your Findings of Fact and Conclusions of Law that you intended to grant all relief necessary to implement the site plan introduced at Petitioners' Exhibits 1A and 1B (copy enclosed), it appears that a full explanation as to the relief granted may have been inadvertently omitted from the order itself. As I am sure you understand, I need to make sure your order is perfectly clear to ensure that our client, 7-Eleven, does not have any problems at the permitting stage.

In Case No. 02-203-SPHXA, Petitioners requested the following relief:

Special Exception:

Special exception pursuant to Sections 405.2.B.1 and 405.4.E.1 of the B.C.Z.R.
for a fuel service station in combination with a convenience store with a sales area
larger than 1500 square feet. (GRANTED)

MAR 4 2002

Mr. Lawrence E. Schmidt
March 4, 2002
Page 2

Special Hearing:

- (1) Special Hearing to allow the required landscape transition areas and setbacks necessary to support the proposed fuel service station to be located in the DR 3.5 zone. (GRANTED)
- (2) Special hearing to abandon the special exception for the service garage granted in Case No. 97-187-X. (GRANTED)
- (3) Special hearing to allow an alternate entrance onto Allender Road in a DR 3.5 zone. (APPROVED ON PAGE 4-5, BUT ORDER SILENT)

Variances:

Variance from Section 405.4.A.2.b of the B.C.Z.R. to permit a 0 foot landscape transition area in lieu of the required 15 foot landscape transition area, if necessary. (GRANTING OF SPECIAL HEARING #1 OBVIATED NEED FOR THIS VARIANCE, ORDER SILENT)

Variance from Section 232.2 of the B.C.Z.R. to permit a 0 foot rear yard building setback in lieu of the required 20 foot setback, if necessary. (GRANTING OF SPECIAL HEARING #1 OBVIATED NEED FOR THIS VARIANCE, ORDER SILENT)

Variance from Section 405.4.A.3.c.2 of the B.C.Z.R. to allow 6 stacking spaces in lieu of the required 12 stacking spaces, if necessary. (DISMISSED AS MOOT)

Variance from Section 450.4.5.e of the B.C.Z.R. to permit service station canopy signs of 311.25 sq. ft. (1 sign) and 138.33 sq. ft. (2 signs) in lieu of the maximum permitted 25 sq. ft. (GRANTED)

Variance from Section 405.4.A.2.b of the B.C.Z.R. to permit a 5 foot landscape transition area along a road right-of-way in lieu of the required 10 foot landscape transition area. (APPROVED ON PAGE 5 AND APPARENTLY GRANTED, BUT ORDER REFERENCES 0 FEET IN LIEU OF 15 FEET)

Mr. Lawrence E. Schmidt
March 4, 2002
Page 3

As noted above, I have attempted to state your intentions with regard to each item of relief. If I have accurately done so, I would appreciate it if you would clarify your order to reflect the intended relief.

I appreciate your assistance in getting this matter resolved so that 7-Eleven can continue with development of the site.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Malone', with a long horizontal line extending to the right.

Patricia A. Malone

PAM/mar

cc: Attached List of Recipients (w/o enclosures)

Mr. & Mrs. Thomas Pappagallo
2031 Sue Creek Drive, Essex, Md. 21221
Ms. Marlene Glava
5030 Silver Spring Road, Perry Hall, Md. 21128
Mr. Gary A. Lentz
5652 Gunpowder Road, White Marsh, Md. 21162
Mr. Gordon Dring
5655 Gunpowder Road, White Marsh, Md. 21162
Mr. Doug Behr
7451 Bradshaw Road, Kingsville, Md. 21087
Messrs. John Severino & Dale Raubenstine
11450 Pulaski Highway, White Marsh, Md. 21162
People's Counsel

TO1DOCS1/#132501 v1

Ronald W. Parker
Donald E. Pallett

Robert Reynolds
William H. Klumpp, Jr.
John R. Severino



PARKER & PALLETT, LLC
Attorneys at Law

January 21, 2002

11450 Pulaski Highway
White Marsh, Maryland 21162
1-888-4MD-LAWS
(410) 335-3800
(410) 676-0456
Fax (410) 335-3096
Email: prkplt@parker-pallett.com

Director
Baltimore County Department of Planning & Zoning
401 Bosley Avenue, Suite 406
Towson, Maryland 21204

Dear Sir:

On behalf of the White Marsh Business Association, this is to inform you that we object to the proposed 7-11 convenience store at Allender Road and Route 7.

There are already 4 gas stations within a two mile radius, a bar that serves food and 4 carry outs within 1/4 mile.

1. Big Falls Inn
2. Donna Mite's
3. Lipscomb's
4. Phil's Carryout
5. Rustic Inn
6. Chinese carryout in the new shopping center
7. Molly's Munchies at Allender Road & Route 40

Having gasoline at the site is too risky, as the site is 1000 feet from the Gunpowder River. Gas would run down the steep hill to the river.

Thank you for your attention to this matter. I await to hear from you.

Very truly yours,

Ronald W. Parker

RWP/dcb

Ronald W. Parker
Donald E. Pallett

Robert Reynolds
William H. Klumpp, Jr.
John R. Severino



PARKER & PALLETT, LLC
Attorneys at Law

11450 Pulaski Highway
White Marsh, Maryland 21162
1-888-4MD-LAWS
(410) 335-3800
(410) 676-0456

Fax (410) 335-3096

Email: prkplt@parker-pallett.com

February 27, 2002

Director of Permits and Development
Baltimore County Office Bldg.
111 West Chesapeake Avenue
Towson, Maryland 21204

RE:

APPEAL

OF THE GRANT OF THE PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Philadelphia Road & Allender Road
(11625, 11629 & 11631 Philadelphia Road)
11 Election District 5th Council District
Thomas A. Pappagallo, et al, Owners; 7-Eleven, Inc., Contract Purchasers - Petitioners
Case No. 02-203-SPHXA

TO THE BOARD:

The Petitions for Special Hearing, Special Exception and Variance have been granted, by LAWRENCE E. SCHMIDT, Zoning Commissioner, on February 11, 2002, to wit:

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of February, 2002 that the Petition for Special Hearing to permit the required landscape transition areas and setbacks to be located within the D.R.3.5 zone, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit the abandonment of the special exception relief granted in prior Case No. 97-187-X, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 405.4.5.3 to permit service station canopy signs of 311.25 sq.ft. (1 sign), and 138.33 sq.ft. (2 signs) in lieu of the maximum permitted 25 sq.ft., and, from Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 15 feet, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED,

Please note the appeal of the White Marsh Business Association, by Ronald W. Parker, Esquire, of all of the above issues. This Appeal is timely filed.

Thank you for your attention in this matter.

Sincerely yours,


Ronald W. Parker, Esquire

MAR 1 2002

WHITE MARSH BUSINESS ASSOCIATION, INC
11237 Philadelphia Road
White Marsh, Maryland 21162



James Wloczewski, President
Jere Shue, Vice President
Kevin Wiley, Secretary
Ron Black, New Member Chairman
Ron Parker, Past President

January 21, 2002

Director
Baltimore County Department of Planning & Zoning
401 Bosley Avenue, Suite 406
Towson, Maryland 21204

Dear Sir:

On behalf of the White Marsh Business Association, this is to inform you that we object to the proposed 7-11 convenience store at Allender Road and Route 7.

There are already 4 gas stations within a two mile radius, a bar that serves food and 4 carry outs within 1/4 mile.

1. Big Falls Inn
2. Donna Mite's
3. Lipscomb's
4. Phil's Carryout
5. Rustic Inn
6. Chinese carryout in the new shopping center
7. Molly's Munchies at Allender Road & Route 40

Having gasoline at the site is too risky, as the site is 1000 feet from the Gunpowder River. Gas would run down the steep hill to the river.

Thank you for your attention to this matter. I await to hear from you.

Very truly yours,


Ronald W. Parker

RWP/dcb

TO: Case File #02-203-SPHXA

DATE: March 18, 2002

FROM: Lawrence E. Schmidt
Zoning Commissioner



SUBJECT: Permit Review

11625, 11629 & 11631 Philadelphia Road
11th Election District – 5th Council District
Thomas E. Pappagallo, et al, Owners; 7-Eleven, Inc., Contract Purchasers

Correspondence has been received from Patricia A. Malone, Esquire on behalf of the Petitioners in the above-captioned matter, seeking clarification of the terms and conditions of the Order approving the Petitions on February 11, 2002. The Petitioners' correspondence is not labeled as a Motion for Reconsideration and has not been accepted as such. Although I believe the Findings of Fact and Conclusions of Law are clear, this memorandum is being inserted into the case file to clarify any discrepancy.

Specifically, it was the intention of the undersigned to approve the Petitions referenced above, as necessary, to accommodate development of the subject site with a proposed 7-Eleven convenience store. The specifics of the proposal are more fully set out on the two-page site plan marked Petitioner's Exhibits 1A and 1B. The only modification anticipated of that site plan was that the sole entrance to the property from Allender Road would be that entrance labeled "Alternative 30-foot Entrance" which is at a distance of approximately 236.6 feet from the intersection of Philadelphia Road and Allender Road. That is, the site plan showed two potential access points from Allender Road, the first being closer to the intersection and the other being a further distance away. It was the intent of the undersigned to approve the second ("alternate") entrance to insure that turning movements from Allender Road into and out of the subject site would not interfere with the intersection. But for that alteration, the details of the site plan have been approved and permits should be issued in accordance therewith.

LES:bjs

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

4/11

NAME

ADDRESS

GARY A LENTZ

5652 GLANPOWERN RD

WHITE MARSH MD 2116

Gordon Drung

5655 Hempstead Rd W.M. 2

DOUG BEHR

7451 BRADSHAW RD Kingsville 21089

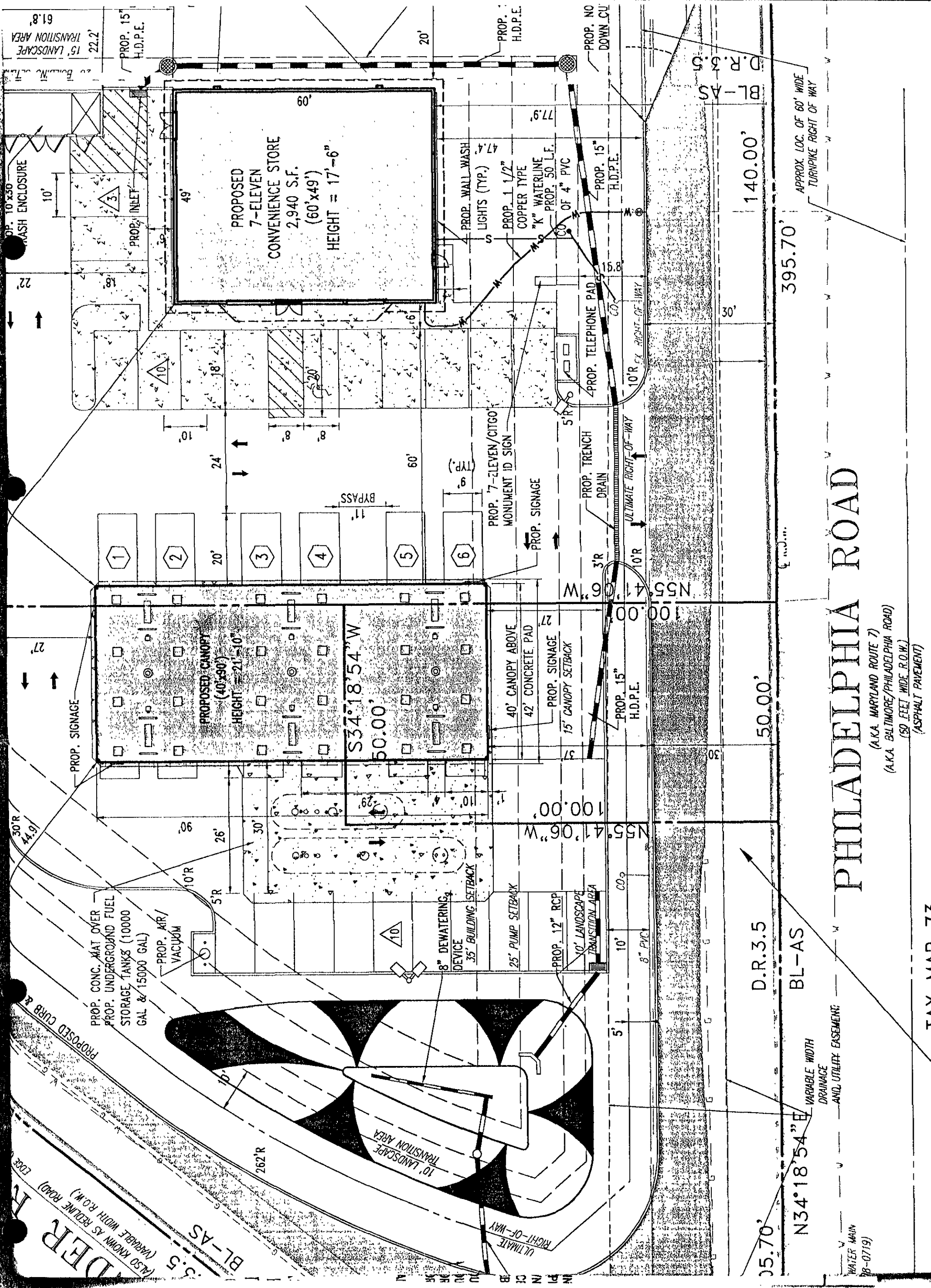
John Severino

11450 Pulaski Hwy White Marsh MD

DALE W RAUBANSTINE

410-335-3805
11450 Pulaski Hwy White Marsh MD





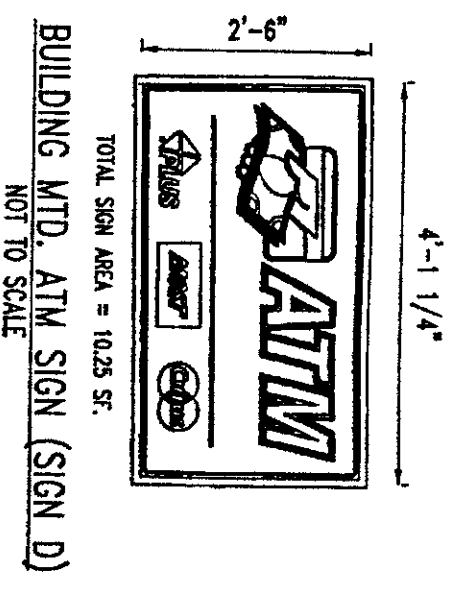
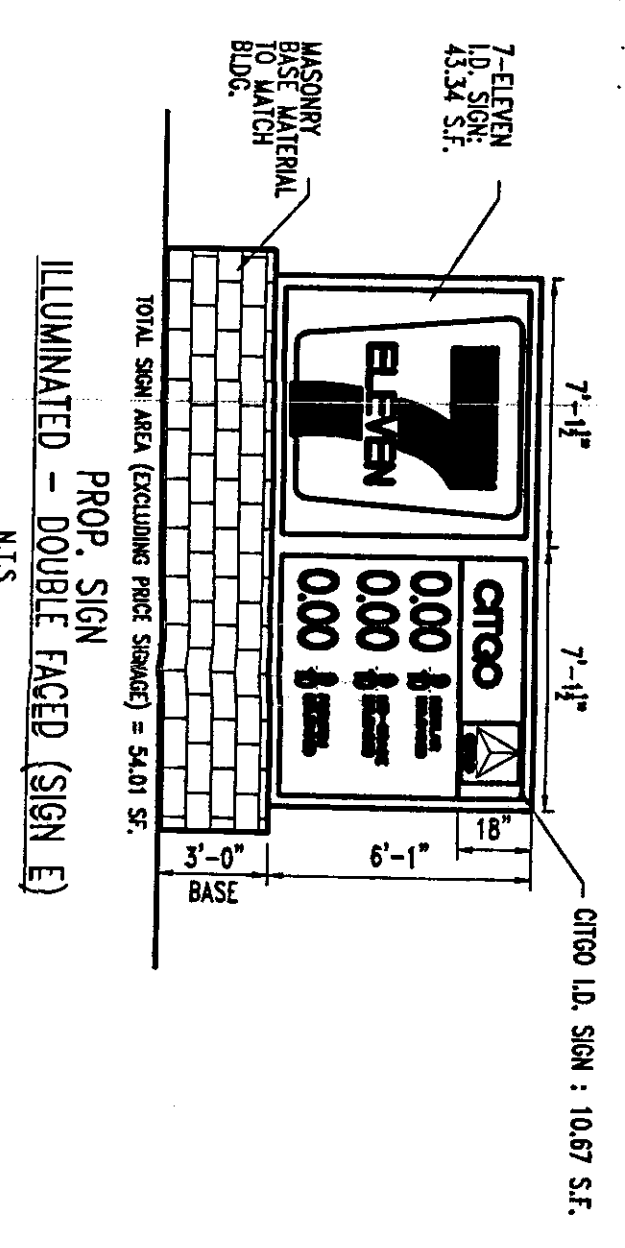
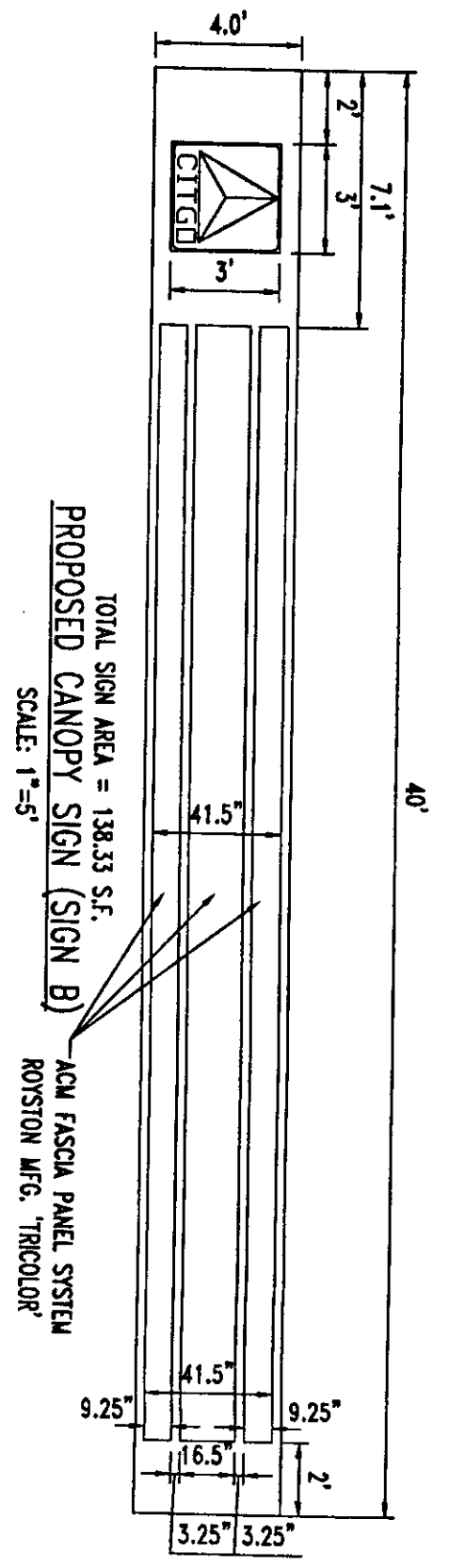
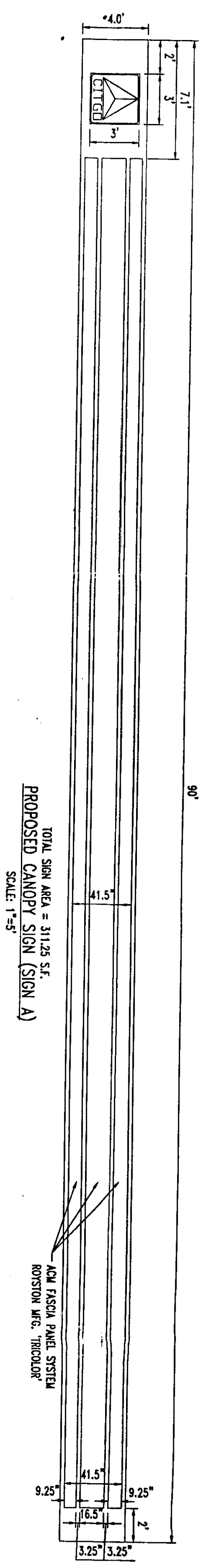
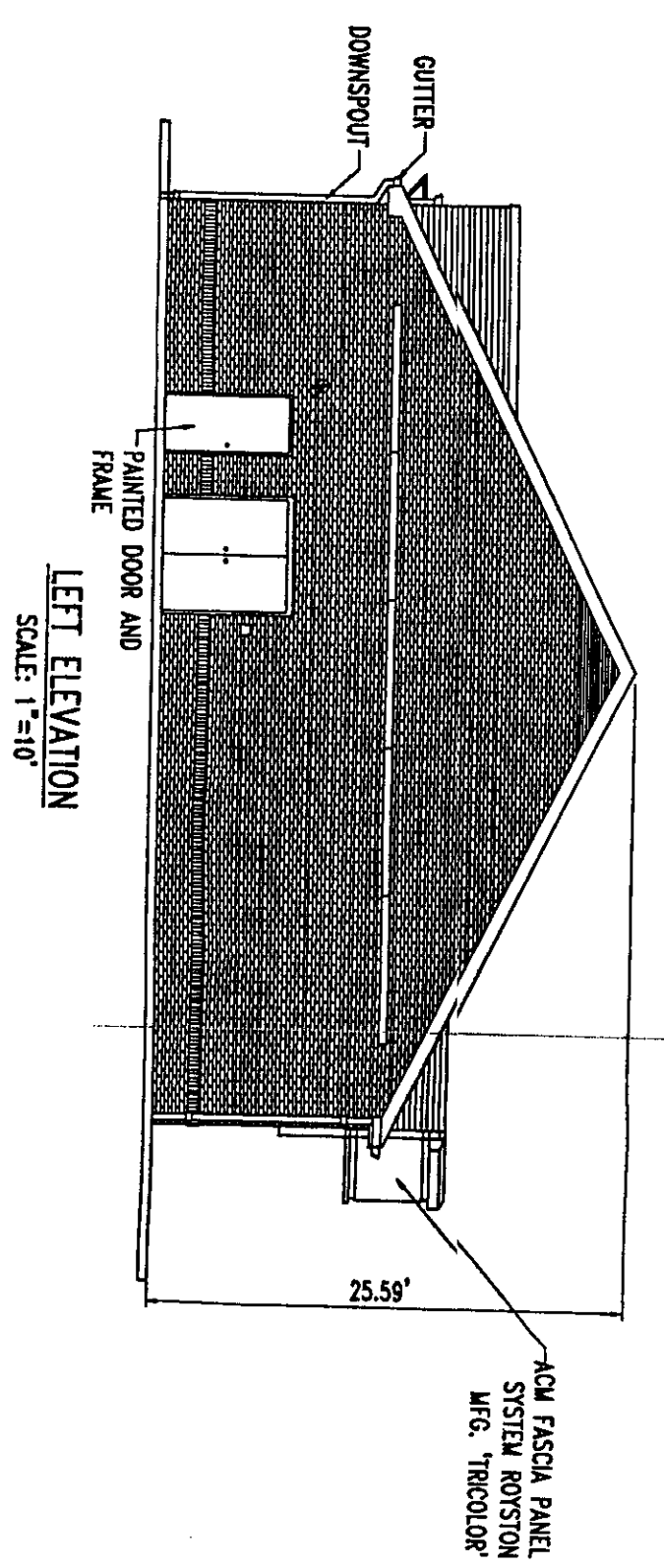
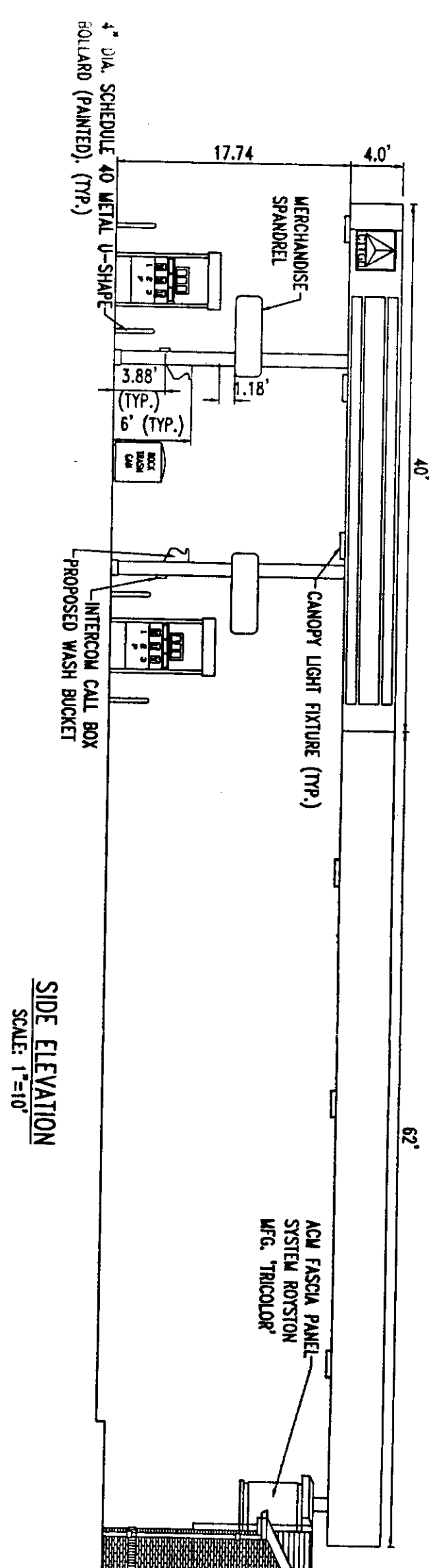
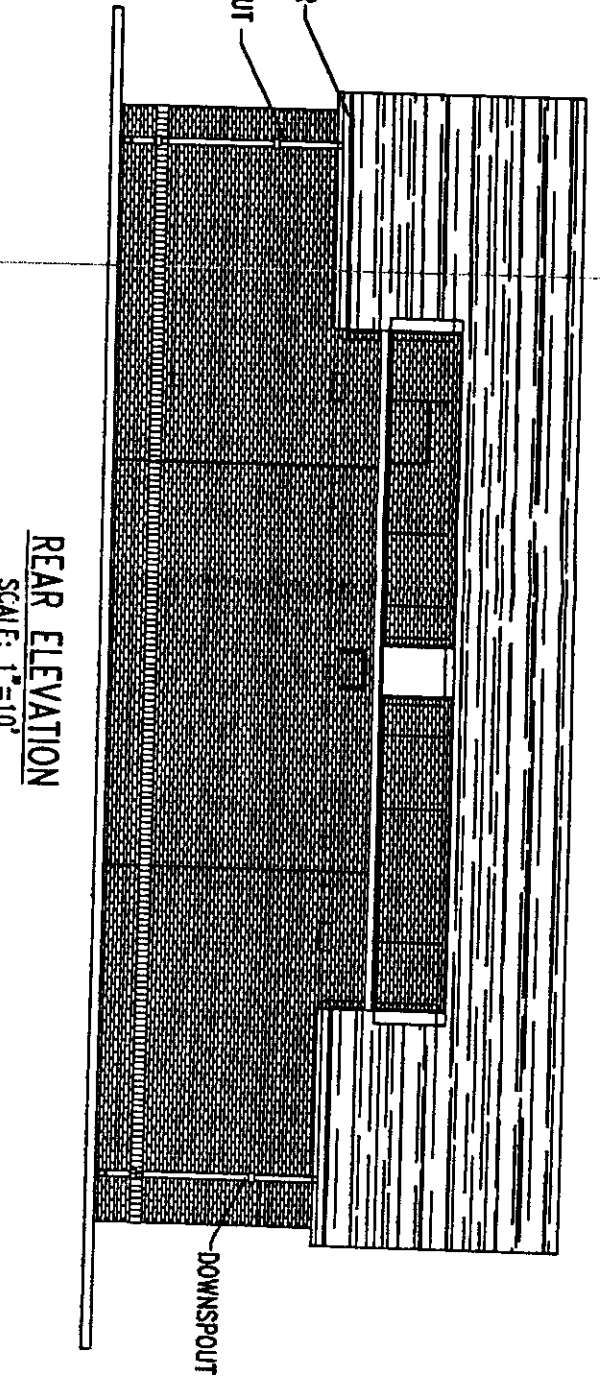
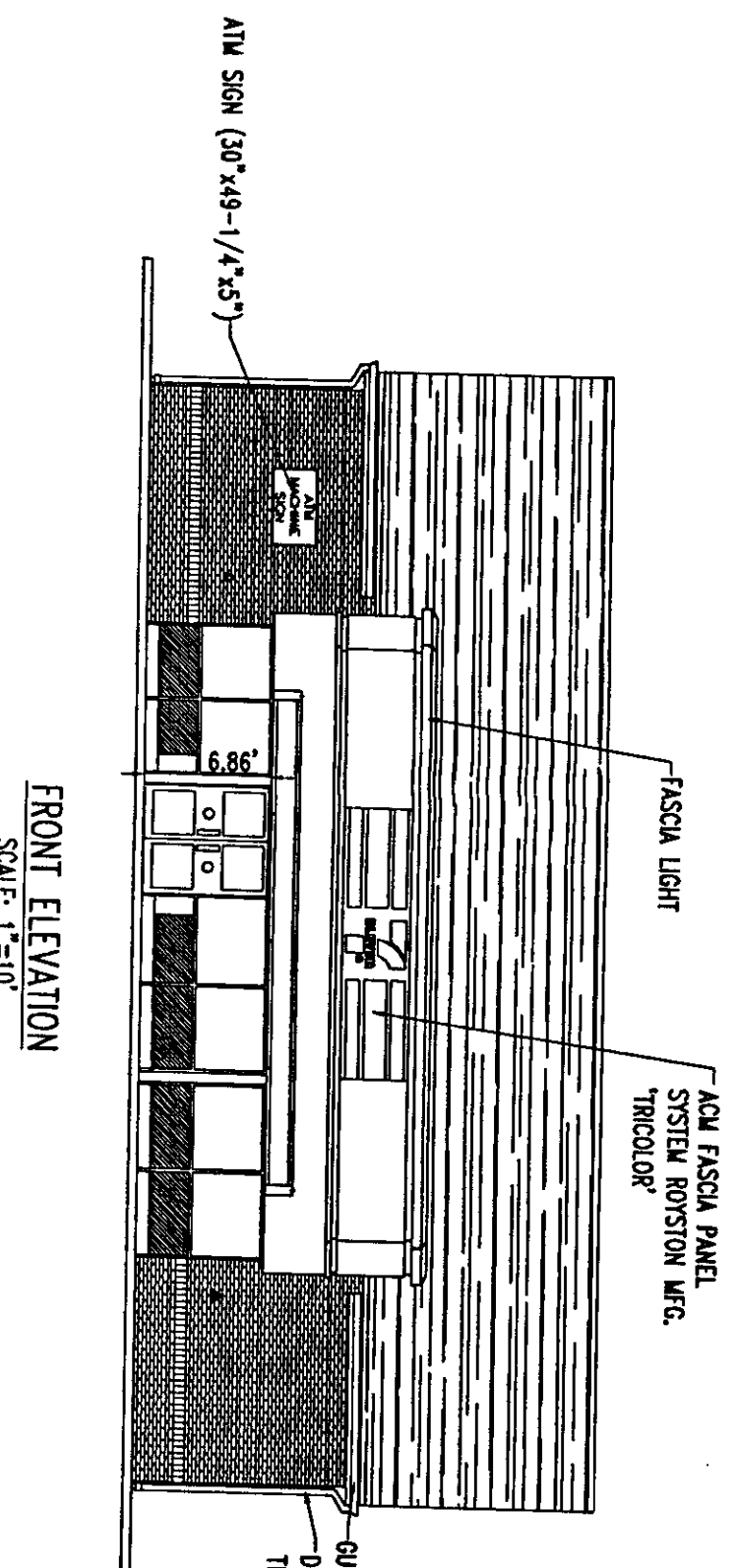
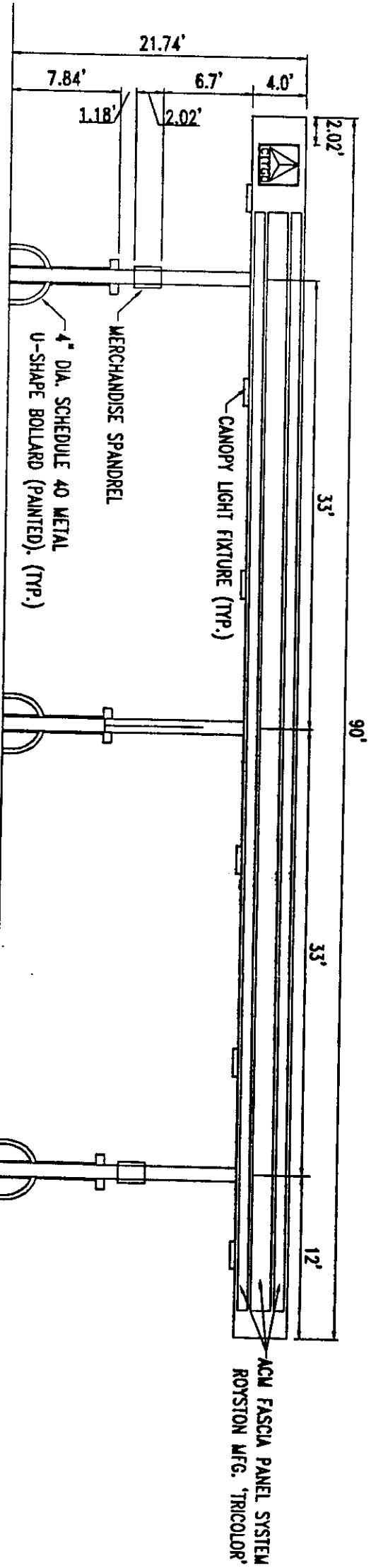
PHILADELPHIA ROAD

(A.K.A. MARYLAND ROUTE 7)

(AKA BALTIMORE/PHILADELPHIA ROAD)

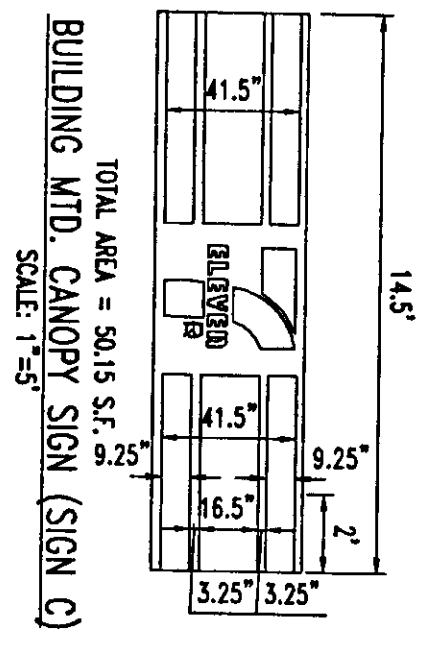
(50 FEET WIDE R.O.W.)

(ASPHALT PAVEMENT)

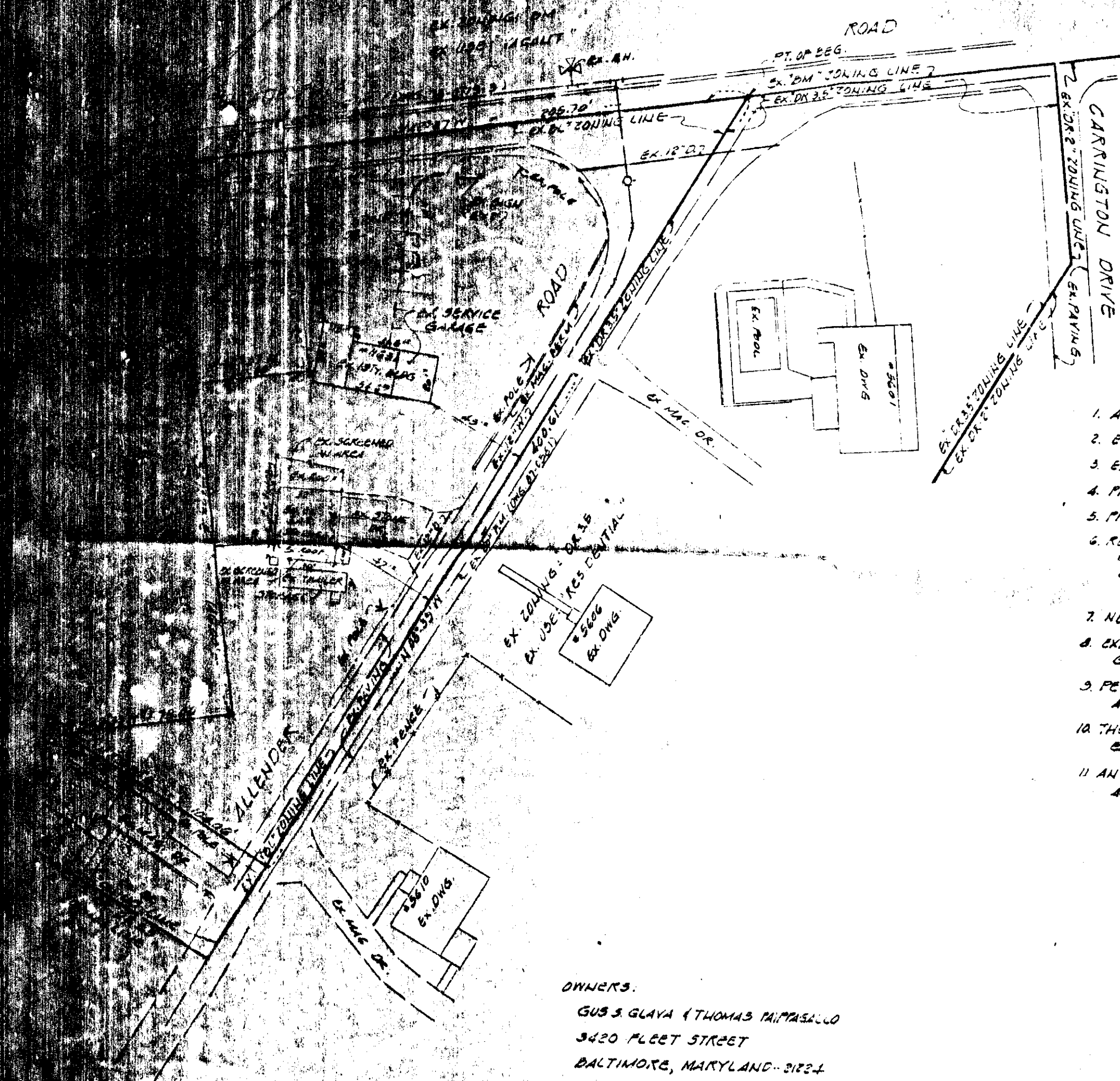


SIGNAGE CALCULATIONS

- I. FREESTANDING ENTERPRISE SIGNAGE:
 - A. PERMITTED: 100 SQ. FT. (PURSUANT TO BCZR 450 ET SEQ.)
 - B. PROPOSED: 7-ELEVEN MONUMENT SIGN (SIGN E): = 54.01 SQ. FT. TOTAL = 34.01 SQ. FT.
- II. SERVICE STATION/CANOPY ENTERPRISE SIGNAGE:
 - A. CANOPY
 - PERMITTED: SIX (6) SIGNS @ 25 SQ. FT. EACH (PURSUANT TO BCZR 450 ET SEQ.)
 - PROPOSED: ONE (1) 311.25 SQ. FT. FASCIA SIGNS* (SIGN A) TWO (2) 138.33 SQ. FT. FASCIA SIGNS* (SIGN B) *VARIANCE REQUESTED
- III. WALL MOUNTED ENTERPRISE SIGNAGE:
 - A. FRONT
 - PERMITTED: 2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE (PURSUANT TO BCZR 450 ET SEQ.) 2 SQ. FT. x 60LF. = 120 SQ. FT.
 - PROPOSED: BUILDING SIGN (SIGN C) = 50.15 SQ. FT. ATM SIGN (SIGN D) = 10.25 SQ. FT. TOTAL = 60.40 SQ. FT.



Rev.		Date	Comment
<p>BOHLER ENGINEERING, P.C. 776 MOUNTAIN BOULEVARD WASHINGTON, MD 20786 (301) 455-2500 FAX: (301) 455-2500</p>			
PROJECT:		7-ELEVEN INC.	
PROPOSED:		7-ELEVEN	
TITLE:		DETAILS	
SCALE (AS SHOWN):		DATE: 01/14/02	
DRAWN BY: T.A.C.		PROJECT NO. M055504	
CHECKED BY: B.M.P.		SHEET NO. 2	
CONSTRUCTION CHECK:		DATE:	

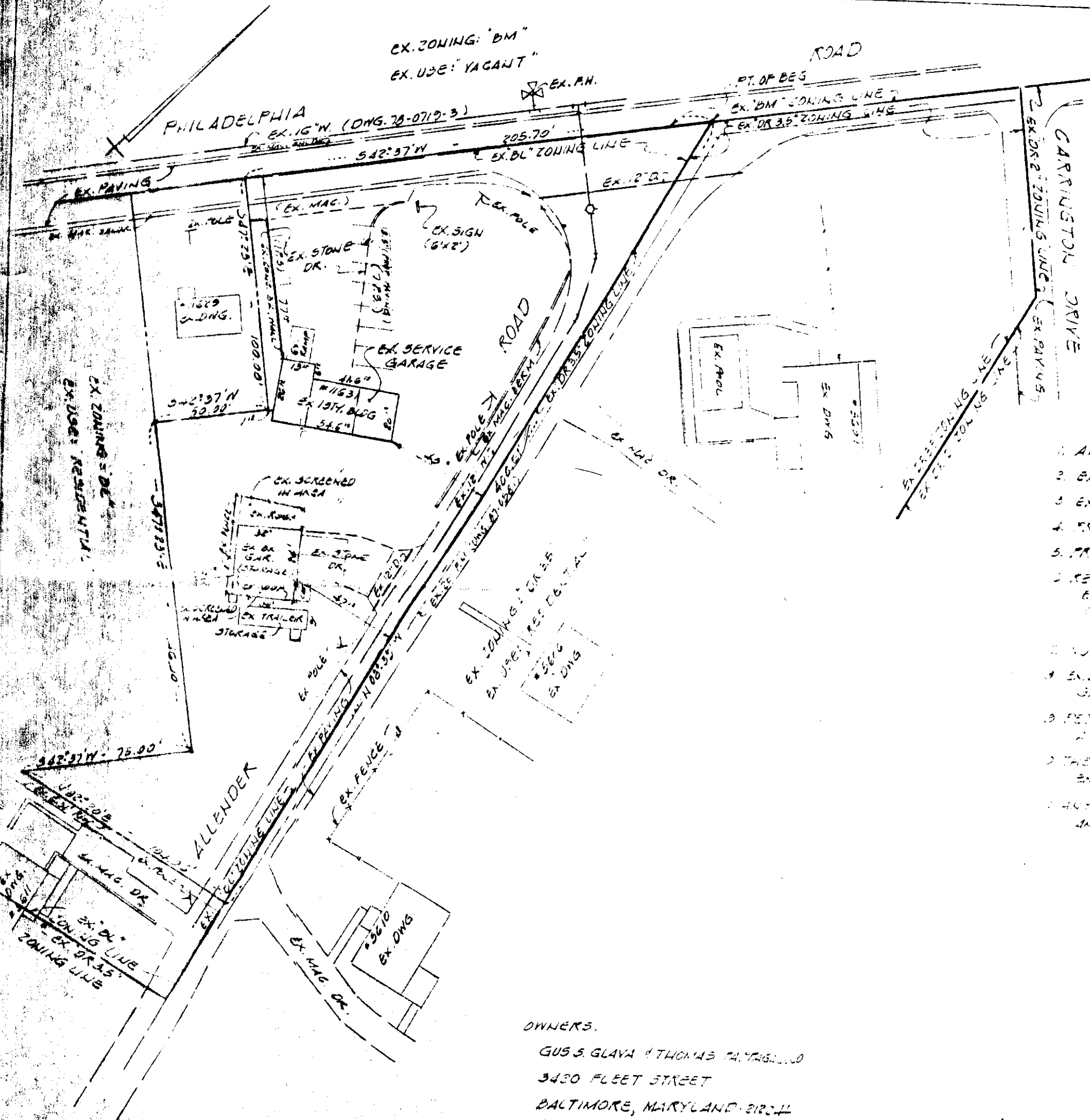


- GENERAL NOTES:
1. AREA OF PROPERTY - 0.826 A.
 2. EXISTING ZONING OF PROPERTY - "BL"
 3. EXISTING USE OF PROPERTY - "SERVICE GARAGE"
 4. PROPOSED ZONING OF PROPERTY - "BL"
 5. PROPOSED USE OF PROPERTY - "SERVICE GARAGE"
 6. REQUIRED OFF-STREET PARKING:
A. BY ZONING (SERVICE AREA) - 11733 RS 33/1000 - 3.87
EX. GARAGE (TRUCK STORAGE) - 1000 SQ. FT. - 1.00
TOTAL NUMBER OF P.S. REQUIRED - 4.87
 7. NUMBER OF P.S. SHOWN - 5
 8. EXIST. GARAGE & TRAILER ARE ACCESSARY USE FOR SERVICE GARAGE.
 9. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "BL" ZONE.
 10. THERE ARE NO COMMERCIAL FIRE RESISTANCE BUILDINGS WITHIN 200' OF THE SOUTH LOT LINE OF SITE.
 11. ANY PROPOSED SIGNS TO COMPLY WITH SECT. 4.3 OF THE BOCC AND ANY ZONING POLICIES.

PLAT TO ACCOMPANY PETITION FOR

SPECIAL EXCEPTION
*11631 PHILADELPHIA ROAD
ELECT. DIST. 11C5 BALTIMORE COUNTY, MD.
SCALE: 1" = 30'

PAUL LEE ENGINEERING, INC.
304 H. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



- GENERAL NOTES:
1. AREA OF PROPERTY - 0.826 A.
 2. EXISTING ZONING OF PROPERTY - "BL"
 3. EXISTING USE OF PROPERTY - "SERVICE GARAGE"
 4. PROPOSED ZONING OF PROPERTY - "BL"
 5. PROPOSED USE OF PROPERTY - "SERVICE GARAGE"
 6. REQUIRED OFF-STREET PARKING:
A. BY ZONING (SERVICE AREA) - 11733 RS 33/1000 - 3.87
EX. GARAGE (TRUCK STORAGE) - 1000 SQ. FT. - 1.00
TOTAL NUMBER OF P.S. REQUIRED - 4.87
 7. NUMBER OF P.S. SHOWN - 5
 8. EXIST. GARAGE & TRAILER ARE ACCESSARY USE FOR SERVICE GARAGE.
 9. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "BL" ZONE.
 10. THERE ARE NO COMMERCIAL FIRE RESISTANCE BUILDINGS WITHIN 200' OF THE SOUTH LOT LINE OF SITE.
 11. ANY PROPOSED SIGNS TO COMPLY WITH SECT. 4.3 OF THE BOCC AND ANY ZONING POLICIES.

97-187-X

PLAT TO ACCOMPANY PETITION FOR

SPECIAL EXCEPTION
*11631 PHILADELPHIA ROAD
ELECT. DIST. 11C5 BALTIMORE COUNTY, MD.
SCALE: 1" = 30'

PAUL LEE ENGINEERING, INC.
304 H. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



JD. 26-040

